



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.02.2018

CORAM:

WEB COPY

THE HONOURABLE MRS.JUSTICE S. RAMATHILAGAM

CRP(MD).No.574 of 2011 (NPD)

Nagoorkani Leppai

: Petitioner

Vs.

- 1.Deivanai
- 2.Jeganathan
- 3.Gandhinathan
- 4.Padmanathan
- 5.Dharmanathan
- 6.Sabarinathan
- 7.Ranjitham
- 8.Muthukumar
- 9.Veermanikandan
- 10.Vishalatchi
- 11.Viswanathan
- 12.Viswamoorthy
- 13.Shanmugam

(R13 impleaded vide order dated 08.04.2011
made in M.P(MD).No.1 of 2011)

: Respondents

Prayer: This Civil Revision Petition is filed under Article 227 of the Constitution of India to direct the Subordinate Judge, Pudukottai to expedite the proceedings in E.P.No.120 of 1993 in O.S.No.144 of 1989 within a stipulated time enabling the petitioner to withdraw the amount deposited in the Execution Proceedings.

For petitioner	: Mr. K. Baalasundharam
For R1 and R2	: No appearance
For R7 to R9, R11 & R12	: Mr. G. Sridharan
For R13	: Mr. S. Deenadhayan

ORDER

This Civil Revision Petition has been filed for issuing a direction to the learned Subordinate Judge, Pudukottai to expedite the proceedings in E.P.No.120 of 1993 in O.S.No.144 of 1989 within a stipulated time enabling the petitioner to withdraw the amount deposited in the Execution Proceedings.



2. This Civil Revision Petition has been preferred by the Petitioner, who is the execution petitioner in the Execution Proceedings. Today, the learned counsel appearing for the respondent nos.7 to 9 and 11 to 13 are present. The 13th respondent is the auction purchaser of the suit property, with regard to the share of the third respondent.

3. On a perusal of the records, it is seen that the third respondent's share has been purchased by respondent no.13, by paying entire sale amount and he has obtained a sale certificate, but, till date, the sale has not been confirmed. It is also seen that E.A.No.22 of 2003 in E.A.No.64 of 1995 in E.P.No.120 of 1993 was pending from the year 2003.

4. It is also represented by the learned counsel appearing for the respondent nos.7 to 9, 11 and 12 that the legal heirs of the deceased revision petitioner have not taken any steps to implead themselves as parties to the revision petition. By way of reply, the learned counsel appearing for the petitioner submitted that notice sent to the petitioner returned with an endorsement as "died".

5. This Civil Revision Petition has been preferred by the petitioner to direct the Sub Court, Pattukkottai, to expedite the proceedings in E.P.No.120 of 1993 in O.S.No.144 of 1989 and the Execution Petitioner / revision petitioner also died, for which, no steps have been taken to implead the Legal heirs of the deceased petitioner. It is also brought to the notice of this Court that the connected Execution Application is pending before the Executing Court, wherein, the share of the third respondent was also purchased by the 13th respondent and the 13th respondent, who is the auction purchaser, has paid the entire amount and he has not been issued with the sale certificate. However, in view of the death of the revision petitioner, this Civil Revision Petition is dismissed as abated. No costs.

sd/

Assistant Registrar(CO)

/True Copy/

Sub Assistant Registrar

trp
To
The Subordinate Judge, Pudukottai.

GJM/SKN/RSK/SAR_4-28.5.18-2p-2c

CRP(MD).No.574 of 2011
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